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REMARKS

Favorable reconsideration of this application is respectfully requested in view **APR 25 2008**
of the following remarks.

In response to the claim objection at paragraph "5" of the Official Action,
Claim 27 is amended to depend from Claim 2. Withdrawal of this objection is
respectfully requested.

The Official Action observes that the claim language reciting the lamination of
the glass plies and plastic "at a temperature of at least 100°C" and "at a pressure of
at least 5 atmospheres" constitutes new matter. Applicant respectfully disagrees.
The Official Action refers to the description in the bottom portion of page seven and
the top of page eight of the present application describing that the laminated glazing
panel is subjected to a temperature of about 100°C and 150°C and a pressure of
about 5 to 15 atmospheres. Though this is an accurate observation about one
portion of the description, the third paragraph on page one of the application
describes that glazing panels are normally produced at a temperature typically
greater than 100°C and at a pressure typically greater than 5 atmospheres. This
portion of the description does not set a range of values, but merely provides a
minimum temperature and pressure at which glazing panels are produced. Thus,
the claim language in question is supported by the disclosure as originally filed.
Therefore, this language does not constitute new matter.

Notwithstanding the foregoing, in the interest of narrowing the issue under
consideration, the relevant claims are amended to use the language set forth in the
bottom portion of page seven and the top of page eight of the application.

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As a part of the claim rejection under 35 U.S.C. § 112, first paragraph, the Official Action includes Claim 19, specifically referring to the "use" language. In the discussion of the basis for the rejection of Claim 19 under the first paragraph of 35 U.S.C. § 112, the Official Action comments that the wording in Claim 19 is considered indefinite. However, the first paragraph of 35 U.S.C. § 112 does not include a requirement for definiteness in claiming. Thus, the basis for the rejection of Claim 19 under the first paragraph of 35 U.S.C. § 112 is not clearly articulated in the Official Action. In the event the Examiner still has concerns about the language in Claim 19 believed to warrant a claim rejection based on a different section of the patent statute, the Examiner is kindly asked to set forth such rejection with appropriate explanation in a new non-final Official Action.

Withdrawal of the Claim rejections under 35 U.S.C. § 112, first paragraph is respectfully requested.

With respect to the claim rejection under 35 U.S.C. § 101, Claim 19 is amended to recite that the use of the laminated glazing involves utilizing the laminated glazing as a window, door or screen. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1, 2, 9-11, 13, 14, 16, 19, 21, 23, 24, 26, 27 and 29 continue to be rejected under 35 U.S.C. § 103(a) as being unpatentable over Baldridge (U.S. Patent No. 3,317,906) in view of Naruke et al ("Naruke", U.S. Patent No. 5,193,895). The Official Action takes the position that Baldridge discloses each feature of the claims with the exception of light emitting diodes mounted on a circuit board. The Official Action relies on the disclosure of Naruke to cure this deficiency.

Claim 1 provides for a laminated glazing panel comprising two glass plies and a plastic ply, and one or more light emitting diodes (LED) laminated between the glass plies. One or more LEDs are mounted on a circuit board. The glass plies and plastic ply with one or more LEDs are laminated at a temperature of at least 100°C. The combination of Baldridge and Naruke does not disclose LEDs laminated between glass plies, or that glass plies and a plastic ply with one or more LEDs are laminated at a temperature of at least 100°C. The Official Action, at page "8", dismisses the latter feature as being a product-by-process limitation, and concludes that patentability is based on the products itself, not the process by which the product is made.

M.P.E.P. § 2113 provides that the structure implied by process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially where the product can only be defined by the process steps by which the product is made, or where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product. In the claimed arrangement, at least one LED is provided in a laminate. This feature results from the process by which the glazing panel is made. Baldridge discloses a laminate, but does not disclose an LED therein. Naruke discloses a LED, but does not disclose the LED to be in the laminate. The claimed arrangement's provision of at least one LED in a laminate is a distinctive structural characteristic, as the prior art of record fails to show such an arrangement.

Additionally, as discussed previously, persons of ordinary skill in this art believed that light emitting diodes would be unable to withstand the process conditions to which the light emitting diodes would be subjected during manufacture

of a glazing panel (e.g., a laminating temperature of about 100°C to 150°C). Thus, a person of ordinary skill in this art would have no reason to expect that subjecting one or more light emitting diodes to the process conditions encountered during production of a laminated glazing panel (e.g., a laminating temperature of about 100°C to 150°C) would result in a laminated glazing panel with operational light emitting diodes. The previously submitted product specifications make clear that the maximum operating temperature range for the light emitting diodes is well below the minimum lamination temperature encountered during the fabrication of the glazing.

The bottom portion of page 7 of the Official Action notes Baldridge's discussion about lamination at a temperature of 93.33°C - 162.78°C. The low end of this range exceeds the maximum operating temperature range set forth in the earlier submitted light emitting diode product specifications. Noticeably absent from the Official Action is any discussion about why an ordinarily skilled artisan would deem it possible to laminate a light emitting diode between two glass sheets together with a plastic ply to produce an operational laminated glazing panel where the maximum operating temperature rating for the light emitting diodes is less than the minimum lamination temperature to which the light emitting diode would be subjected. The Official Action comments that the claims do not specify the temperature rating of the LED. This point simply overlooks the fact that the burden of establishing a *prima facie* case of obviousness rests in the first instance with the Patent Office. Where, as here, evidence shows that ordinarily skilled artisans believed that light emitting diodes would be unable to withstand the process conditions to which the light emitting diodes would be subjected during manufacture of a glazing panel (e.g., a laminating temperature of about 100°C to 150°C), it is incumbent upon the Patent

Office to present some relevant evidence to respond to this point. This has not been done here.

Despite the evidence above, the Official Action continues to maintain the rejection based on Baldridge in view of Naruke. In doing so, the Official Action does not consider the claimed invention as a whole, as required by MPEP § 2141.02. This section of the MPEP specifies that when assessing differences between the prior art and the claims, the question is not whether the differences themselves would have been obvious, but whether the claimed subject matter as a whole would have been obvious. Thus, the question is not whether a laminate of glass plies and plastic ply, along with a separate LED are obvious. Rather, the question is whether it would have been obvious based on the prior art disclosures to produce a laminated glazing panel with a plastic ply, two glass plies and a LED between the two glass plies. As discussed above, the laminate of Baldridge requires, at a minimum, heating to a temperature that significantly exceeds the maximum operating temperature ratings of LEDs. Thus, an ordinarily skilled artisan would not look to include light emitting diodes in the laminate of Baldridge. Considering the claimed subject matter at issue here as a whole, such a combination of elements would not have been obvious to a person having ordinary skill in the art. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 16 provides a process for the production of a laminated glazing panel comprising pairing together two plastic plies, preparing a cut-out area in the upper plastic ply to receive a circuit with at least one LED, joining a further plastic ply to the paired plastic plies thereby creating a composite ply, and laminating two glass plies

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and the composite ply, including a circuit board mounted to one or more LEDs, at a temperature of at least 100°C.

Baldrige and Naruke fail to disclose a process of pairing together two plastic plies, preparing a cutout area in the upper ply to receive a circuit board with at least one LED, and joining a further plastic ply to the paired plastic plies, thereby creating a composite ply. The Official Action, at page "10", relies on the disclosure in Baldrige of "interlayers" (Column 3, line 54) to support the notion that it would have been obvious to one having ordinary skill in the art to include a third layer to provide a composite ply, as the claimed arrangement amounts to a mere duplication of working parts. Baldrige discloses that indicator means may be laminated between two layers of plastic (Column 3, lines 29-31). In this arrangement, Baldrige is silent about providing a cutout, let alone a cut located in the upper plastic ply. Further, Baldrige does not disclose or suggest the further ply to form the composite. Naruke does not cure this deficiency. Contrary to the observation in the Official Action, the claimed arrangement is not merely a duplication of working parts. Indeed, it provides a specific process and a relationship between the pair of plies, the circuit board with at least one LED, and the further ply that is not shown or suggested in Baldrige. Accordingly, withdrawal of this rejection is respectfully requested.

Further, the combination of Baldrige and Naruke fails to disclose the process of laminating two glass plies and the composite ply, including a circuit board mounted to one or more LEDs, at a temperature of about 100°C to 150°C. This aspect of the claimed method has been addressed above in the discussion of Claim 1. That discussion is incorporated by reference here. Because the claimed process

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is not disclosed or suggested by the combination of Baldridge and Naruke,
 withdrawal of this rejection is respectfully requested.

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the
 combination of Baldridge and Naruke, and further in view of Leclercq (U.S. Patent
 No. 4,968,895). Claim 15 provides a process for the production of a laminated
 glazing panel that includes, *inter alia*, the lamination of two glass plies and one
 plastic ply with a circuit board on which is mounted at least one LED is performed at
 a temperature of at least 100°C. The patentability of this feature is discussed above
 in reference to Claim 1. This discussion is incorporated by reference here. Leclercq
 does not cure this deficiency. Withdrawal of this rejection is respectfully requested.

New Claim 30 defines a laminated glazing panel comprising two glass plies, a
 plastic ply and a light emitting diode device laminated between the glass plies,
 wherein the light emitting diode device which is laminated between the glass plies
 comprises one or more light emitting diodes mounted on a circuit board. As claimed,
 the glass plies and the plastic ply with the one or more light emitting diodes are
 laminated at a temperature of about 100°C to 150°C, the laminated glazing panel
 possesses a thickness of 8 mm or less, and the light emitting diode device
 possesses a thickness less than 0.8 mm.

This new Claim is allowable for reasons similar to those discussed above in
 connection with Claim 1. In addition, this new claim defines the thickness of the
 laminated glazing panel and light emitting diode. To support a rejection of this new
 claim similar to Claim 1, the Official Action must establish that an ordinarily skilled
 artisan would have believed, contrary to the accepted thinking at the time of this
 invention, it would be possible to produce a laminated glazing panel having the

claimed thickness, and an operational light emitting diode having a thickness as claimed, wherein the laminated glazing panel is produced using the temperature range recited in Claim 30. It is respectfully submitted that this cannot be established and so the claim must be found allowable.

New Claim 31 defines that the thickness of the light emitting diode device is less than the thickness of the plastic ply. This is not disclosed in the cited references. New Claim 32 recites that the glass plies, the plastic ply and the light emitting diode device are laminated at a pressure of about 5 to 15 atmospheres. The distinguishing nature of this claimed subject matter has been discussed in previous response and the remarks are incorporated herein by reference.

The remaining claims ultimately depend from the independent claims discussed above, which are allowable. For at least this reason, these dependent claims are also allowable.

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Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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I hereby certify that this correspondence is being submitted by facsimile transmission to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to the following facsimile number.

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